

Annex 3: Australia's Fourth Periodic Report under the International Covenant on Economic, Cultural and Social Rights

1. The Australian Government is pleased to present the Committee on Economic, Social and Cultural Rights with Australia's Fourth Periodic Report under the International Covenant on Economic, Cultural and Social Rights (ICESCR) in accordance with articles 16 and 17 of the Covenant. The ICESCR was signed by Australia on 18 December 1972 and ratified on 10 December 1975. It entered into force for Australia on 10 March 1976.

2. Australia's Fourth Report under the Covenant covers the period from January 1998 to June 2006.

3. In accordance with the draft guidelines for an expanded core document issued by the Office of the High Commissioner for Human Rights in May 2006 (HRI/MC/2006/3), Australia has included topics in the core document which are congruent between some or all of the major human rights treaties.

4. Table 1 below outlines where ICESCR provisions are addressed in the core document. Table 2 sets out the Suggestions and Recommendations of the Committee on Economic, Social and Cultural Rights in relation to Australia's Third Periodic Reports under the ICESCR, and outlines where these are addressed in the core document.

Table 1: ICESCR articles addressed in the common core document

Article	Core document reference
1	K. Right of self-determination
2	G. Non-discrimination and equality W. Right to adequate food, clothing and housing X. Right to enjoy the highest standard of physical and mental health Y. The right to education, other cultural rights
3	G. Non-discrimination and equality J. Participation in public life R. Right to marry and found a family, protection of the family, mother and children S. Right to work T. Right to just and favourable conditions of work X. Right to enjoy the highest standard of physical and mental health Y. The right to education, other cultural rights
4	D. General legal framework within which human rights are protected at the national level
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6	S. Right to work
7	T. Right to just and favourable conditions of work
8	U. Trade Union rights
9	V. Right to social security
10	R. Right to marry and found a family, protection of the family, mother and children
11	W. Right to adequate food, clothing and housing
12	X. Right to enjoy the highest standard of physical and mental health
13	Y. The right to education, other cultural rights
14	Y. The right to education, other cultural rights
15	Y. The right to education, other cultural rights

**Table 2: Committee on Economic, Social and Cultural Rights’
Concluding Observations on Australia’s Third Periodic Report
under the ICESCR**

Concluding Observations ³⁷	Core document reference
<p><i>The Committee strongly recommends that the State party incorporate the Covenant in its legislation, in order to ensure the applicability of the provisions of the Covenant in the domestic courts. The Committee urges the State party to ensure that no conflicts occur between Commonwealth and state law in this respect. The Committee encourages the State party to follow the High Court’s position concerning "legitimate expectations" arising from the ratification of the Covenant.</i></p>	<p>D. General legal framework within which human rights are protected at the national level</p>
<p><i>The Committee encourages the State party to pursue its efforts in the process of reconciliation with Australia’s Indigenous peoples and its efforts to improve the disadvantaged situation they are in.</i></p>	<p>G. Non-discrimination and equality</p>
<p><i>The Committee recommends that the State party ensure that the legislative provisions concerning job security are strengthened and effectively implemented, especially for the most vulnerable groups, such as fixed-term contract workers, temporary workers and casual workers.</i></p>	<p>T: Right to just and favourable conditions of work</p>
<p><i>The Committee strongly recommends that the State party undertake measures to protect homeworkers and to ensure that they receive the official minimum wage, that they benefit from adequate social security and that they enjoy working conditions in conformity with the legislation.</i></p>	<p>T: Right to just and favourable conditions of work</p>

³⁷ Committee on Economic, Social and Cultural Rights, Concluding Observations, Australia 08/09/2000, E/C.12/1/Add.50, paras 14-36.

The Committee recommends that the State party consider enacting legislation on paid maternity leave and ratifying ILO Convention No. 103 concerning maternity protection.

R. Right to marry and found a family, protection of the family, mother and children

The Committee recommends that the State party limit its prohibitions on the right to strike to essential services, in accordance with ILO Convention No. 87, and, in the context of the civil service, to civil servants who exercise functions of State authority.

U. Trade Union rights

The Committee recommends that the State party ensure that labour in private prisons is voluntarily undertaken and is properly remunerated.

T: Right to just and favourable conditions of work

The Committee requests that the State party provide detailed information on the work for dole scheme in its fourth periodic report.

V. Right to social security

The Committee calls upon the State party to ensure that the two-year waiting period for the receipt of social security assistance by new immigrants does not infringe upon their right to an adequate standard of living.

V. Right to social security

The Committee strongly urges the State party to establish an official poverty line, so that a credible assessment can be made of the extent of poverty in Australia. The Committee requests further that the State party provide information on this issue in its fourth periodic report.

V. Right to social security

The Committee strongly recommends that the State party, at the federal level, develop a housing strategy in keeping with the Committee's General Comments No. 4 and 7, including provisions to protect tenants from forced eviction without reasons and from arbitrary rent increases. In addition, the Committee recommends that the State party ensure that all state and territory governments establish appropriate housing policies in

W. Right to adequate food, clothing and housing

accordance with this strategy.

The Committee calls upon the State party to take effective steps to ensure that human rights education is included in primary and secondary school curricula and requests the State party to inform the Committee of the measures taken in this regard in its fourth periodic report.

The Committee requests the State party to provide additional, more detailed information, including statistical data which is disaggregated according to age, sex and minority groups, concerning the right to work, just and favourable conditions of work, social security, housing, health and education, in its fourth periodic report.

E. General framework within which human rights are promoted at the national level

S. The right to work

T: Right to just and favourable conditions of work

W. Right to adequate food, clothing and housing

X. Right to enjoy the highest standard of physical and mental health

Y. The right to education, other cultural rights

Statistical Annex